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1826 NE Broadway  
Portland OR 97232  
Tel: 503-473-8565

UNITED STATES BANKRUPTCY COURT

DISTRICT OF OREGON

IN RE:

B. & J. PROPERTY  
INVESTMENTS, INC.

Debtor.

Case No. 19-60138-pcm11  
**LEAD CASE**

**Jointly Administered with**  
Case No. 19-60230-pcm11

MOTION OF CLAIMANTS FOR AN  
ORDER DIRECTING CERTAIN  
EXHIBITS TO REMAIN UNDER  
SEAL

1 – MOTION OF CLAIMANTS FOR AN ORDER DIRECTING CERTAIN EXHIBITS TO  
REMAIN UNDER SEAL

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3 IN RE:

4 WILLIAM JOHN BERMAN,

5 Debtor.

6 The Hathaway Creditor Plaintiffs / Class Action Claimants (Hathaway Creditor Class”),  
7 by and through their undersigned counsel, hereby move the Court for an entry of an Order  
8 authorizing Movants to file under seal Exhibits 13, 14, 24, 25, and 26 in support of Supplement  
9 to Bankruptcy Form 763 – Objection to Saafeld Griggs, PC’s Claim for Attorney Fees and  
10 Costs.  
11

12 **RELIEF REQUESTED**

13 Claimants seek an order directing Exhibits 13, 14, 24, 25, and 26 in support of  
14 Supplement to Bankruptcy Form 763 – Objection to Saafeld Griggs, PC’s Claim for Attorney  
15 Fees and Costs to remain under seal and not be made available to anyone without the consent  
16 of the Claimants except to: (a) the Court, and (b) the following parties on a confidential basis:  
17 (i) U.S. Trustee, (ii) the parties to the Objection.  
18

19 **BASIS FOR RELIEF**

20 Movants seek to file Exhibits 13, 14, 24, 25, and 26 under seal because they are subject  
21 to a protective order in a State Court matter. (Exhibit A). The stipulated protective order was  
22 adopted in the State Court proceeding as the parties agreed that good causes exists to protect  
23 the confidential nature of the information contained in documents, responses to requests for  
24 admission, or deposition testimony. The protective order concerns the business and financial  
25 operations, business and personal tax documents, and other summaries of financial condition.  
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1 The protective order also concerns personal and private information about the class  
2 representatives and class members.

3 **NOTICE**

4 Notice of this Motion will be given to (a) the United States Trustee or the District of  
5 Oregon; (b) all parties in interest requesting notice in these cases pursuant to Bankruptcy Rule  
6 2002.  
7

8 WHEREFORE, after notice and a hearing if necessary and appropriate, Claimants  
9 respectfully request that the Court enter an Order permitting Claimants to file the above  
10 described exhibits under seal.  
11

12 Dated: February 14, 2020.

13 /s/ Keith D. Karnes  
14 Keith D. Karnes OSB # 033521  
15 Attorney for Ad Hoc Group  
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**CERTIFICATE OF SERVICE**

I, Keith Karnes, certify that I served the forgoing document via ECF which will in turn serve:

TIMOTHY J CONWAY tim.conway@tonkon.com,  
candace.duncan@tonkon.com;spencer.fisher@tonkon.com  
NICHOLAS J HENDERSON nhenderson@portlaw.com,  
tsexton@portlaw.com;mperry@portlaw.com;hendersonnr86571@notify.bestcase.com  
SHANNON R MARTINEZ smartinez@sglaw.com, scurtis@sglaw.com  
ERICH M PAETSCH epaetsch@sglaw.com, ktate@sglaw.com  
TERESA H PEARSON teresa.pearson@millernash.com, MNGD-2823@millernash.com  
AVA L SCHOEN ava.schoen@tonkon.com, leslie.hurd@tonkon.com  
TOBIAS TINGLEAF toby@shermlaw.com, darlene@shermlaw.com  
US Trustee, Eugene USTPRegion18.EG.ECF@usdoj.gov

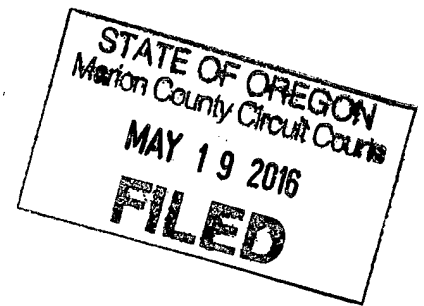
And I further served the following via first class mail, postage prepaid, addressed to:

Susan Stoehr  
24310 S Hwy 99E, Space G  
Canby, OR 97013

Nancy Wolf  
2008 SE Sturdevant Rd  
Toledo, OR 97391

DATED: February 14, 2020

/s/Keith D. Karnes  
Keith D. Karnes, OSB No. 033521  
Rank & Karnes Law, P.C.



1 ENTERED  
2 MAY 20 2016  
3 Marion County Circuit Court

4 IN THE CIRCUIT COURT FOR THE STATE OF OREGON

5 FOR THE COUNTY OF MARION

7 **LOREN HATHAWAY**, on behalf of himself and all  
8 others similarly situated within the state of  
9 Oregon; and **GENNISE HATHAWAY**, on behalf of  
10 herself and all others similarly situated within  
11 the state of Oregon,

11 Plaintiffs,

12 v.

13 **B. & J. PROPERTY INVESTMENTS, INC.**, an  
14 Oregon corporation doing business as **SALEM**  
15 **RV PARK; BETTER BUSINESS MANAGEMENT,**  
16 **INC.**, an Oregon corporation doing business as  
17 **SALEM RV PARK**, and **WILLIAM BERMAN**, an  
individual,

17 Defendants.

CASE NO. 13C14321

REVISED STIPULATED PROTECTIVE ORDER

18 One or more of the parties has requested the production of documents or information  
19 that at least one party considers to be or to contain confidential information, and that are  
20 subject to protection under the Oregon Rules of Civil Procedure.

21 The parties agree that good cause exists to protect the confidential nature of the  
22 information contained in documents, responses to requests for admission, or deposition  
23 testimony. This action concerns Defendants' business and financial operations, and may  
24 require the production of business and personal tax documentation; business and personal  
25 balance sheets, profit and loss statements or other summaries of financial condition; business  
26 transactions related to real estate, and/or lending. This action may also concern personal and

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4821-9656-1199, v. 4

**SAALFELD GRIGGS,**  
LAWYERS

PO Box 470 SALEM OR 97308-0470 TEL: (503) 399-1070

13C14321  
ORSS  
Order - Stipulated  
4951636



Exhibit A - Page 1 of 11

1 private information about the plaintiffs / class representatives and class members. The parties  
2 expect to exchange documents and information relating to these matters. The parties agree  
3 that the entry of this Revised Stipulated Protective Order ("Protective Order") is warranted to  
4 protect against disclosure of such documents and information.

5 Based upon the above stipulation of the parties, and the Court being duly advised, IT IS  
6 HEREBY ORDERED as follows:

7 1. All documents, testimony, and other materials produced by the parties in this  
8 case and labeled "Confidential" or "Attorneys' Eyes Only" shall be used only in this proceeding.

9 2. Use of any information or documents labeled "Confidential" or "Attorneys' Eyes  
10 Only" and subject to this Protective Order, including all information derived therefrom, shall be  
11 restricted solely to the litigation of this case and shall not be used by any party for any business,  
12 commercial, or competitive purpose. This Protective Order, however, does not restrict the  
13 disclosure or use of any information or documents lawfully obtained by the receiving party  
14 through means or sources outside of this litigation. Should a dispute arise as to any specific  
15 information or document, the burden shall be on the party claiming that such information or  
16 document was lawfully obtained through means and sources outside of this litigation.

17 3. The parties, and third parties subpoenaed by one of the parties, may designate  
18 as "Confidential" or "Attorneys' Eyes Only" documents, testimony, written responses, or other  
19 materials produced in this case if they contain information that the producing party has a good  
20 faith basis for asserting is confidential under the applicable legal standards. The party shall  
21 designate each page of the document with a stamp identifying it as "Confidential" or  
22 "Attorneys' Eyes Only," if practical to do so.

23 4. If portions of documents or other materials deemed "Confidential" or  
24 "Attorneys' Eyes Only" or any papers containing or making reference to such materials are filed  
25 with the Court, they shall be filed under seal and marked as follows or in substantially similar  
26 form:

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4821-9656-1199, v. 4

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1 CONFIDENTIAL

2 IN ACCORDANCE WITH A PROTECTIVE ORDER, THE ENCLOSURE(S) SHALL BE  
3 TREATED AS CONFIDENTIAL AND SHALL NOT BE SHOWN TO ANY PERSON OTHER  
4 THAN THOSE PERSONS DESIGNATED IN PARAGRAPH 7 OF THE PROTECTIVE  
5 ORDER.

6 *Or*

7 ATTORNEYS' EYES ONLY

8 IN ACCORDANCE WITH A PROTECTIVE ORDER, THE ENCLOSURE(S) SHALL BE  
9 TREATED AS FOR ATTORNEYS' EYES ONLY AND SHALL NOT BE SHOWN TO ANY  
10 PERSON OTHER THAN THOSE PERSONS DESIGNATED IN PARAGRAPH 8 OF THE  
11 PROTECTIVE ORDER.

12 If a party is filing a document that it has itself designated as "Confidential" or "Attorneys'  
13 Eyes Only," that party shall reference this Stipulated Protective Order in submitting the  
14 documents it proposes to maintain under seal. If a non-designating party is filing a document  
15 that another party has designated as "Confidential" or "Attorneys' Eyes Only," then the non-  
16 designating party shall file the document under seal. If the non-designating party makes a  
17 request in writing to have the document unsealed and designating party does not file, within  
18 ten calendar days, a motion that shows good cause to maintain the document under seal, then  
19 the Court shall unseal the document. Before seeking to maintain the protection of documents  
20 filed with the Court, a party must assess whether redaction is a viable alternative to complete  
21 nondisclosure.

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4821-9656-1199, v. 4

**SAALFELD GRIGGS**  
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1           5.       Within thirty (30) days after receipt of the final transcript of the deposition of  
2 any party or witness in this case, a party or the witness may designate as "Confidential" or  
3 "Attorneys' Eyes Only" any portion of the transcript that the party or witness contends discloses  
4 confidential information. If a transcript containing any such material is filed with the Court, it  
5 shall be filed under seal and marked in the manner described in paragraph 4. Unless otherwise  
6 agreed, all deposition transcripts shall be treated as "Confidential" until the expiration of the  
7 thirty-day period.

8           6.       "Confidential" or "Attorneys' Eyes Only" information and documents subject to  
9 this Protective Order shall not be filed with the Court or included in whole or in part in  
10 pleadings, motions, briefs, etc., filed in this case, except when any portion(s) of such pleadings,  
11 motions, briefs, etc. have been filed under seal by counsel and marked in the same manner as  
12 described in paragraph 4 above. Such sealed portion(s) of pleadings, motions, briefs,  
13 documents, etc., shall be opened only by the Court or by personnel authorized to do so by the  
14 Court.

15           7.       Use of any information, documents, or portions of documents marked  
16 "Confidential," including all information derived therefrom, shall be restricted solely to the  
17 following persons, who agree to be bound by the terms of this Protective Order, unless  
18 additional persons are stipulated by counsel or authorized by the Court:

19               a.       Outside counsel of record for the parties, and the administrative staff of  
20 outside counsel's firms.

21               b.       In-house counsel for the parties, and the administrative staff for each  
22 in-house counsel.

23               c.       Any party to this action who is an individual, and every employee,  
24 director, officer, or manager of any party to this action who is not an individual,  
25 but only to the extent necessary to further the interest of the parties in this  
26 litigation.



1 d. Independent consultants or expert witnesses (including partners,  
2 associates and employees of the firm which employs such consultant or expert)  
3 retained by a party or its attorneys for purposes of this litigation, but only to the  
4 extent necessary to further the interest of the parties in this litigation.

5 e. The Court and its personnel, including, but not limited to, stenographic  
6 reporters regularly employed by the Court and stenographic reporters not  
7 regularly employed by the Court who are engaged by the Court or the parties  
8 during the litigation of this action.

9 f. The authors and the original recipients of the documents.

10 g. Any court reporter or videographer reporting a deposition.

11 h. Employees of copy services, microfilming or database services, trial  
12 support firms and/or translators who are engaged by the parties during the  
13 litigation of this action.

14 8. Use of any information, documents, or portions of documents marked  
15 "Attorneys' Eyes Only," including all information derived therefrom, shall be restricted solely to  
16 the persons listed in paragraphs 7(a), 7(b), 7(d), 7(e), 7(g) and 7(h), unless additional persons  
17 are stipulated by counsel or authorized by the Court.

18 9. Prior to being shown any documents produced by another party marked  
19 "Confidential" or "Attorneys' Eyes Only," any person listed under paragraph 7(c) or 7(d) shall  
20 agree to be bound by the terms of this Order by signing the agreement attached as Exhibit A.

21 10. Whenever information designated as "Confidential" or "Attorneys' Eyes Only"  
22 pursuant to this Protective Order is to be discussed by a party or disclosed in a deposition,  
23 hearing, or pre-trial proceeding, the designating party may exclude from the room any person,  
24 other than persons designated in paragraphs 7 and 8, as appropriate, for that portion of the  
25 deposition, hearing or pre-trial proceeding.

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**SAALFELD GRIGGS,**  
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1           11. Each party reserves the right to dispute the confidential status claimed by any  
2 other party or subpoenaed party in accordance with this Protective Order. If a party believes  
3 that any documents or materials have been inappropriately designated by another party or  
4 subpoenaed party, that party shall confer with counsel for the designating party. As part of  
5 that conferral, the designating party must assess whether redaction is a viable alternative to  
6 complete non-disclosure. If the parties are unable to resolve the matter informally, a party  
7 may file an appropriate motion before the Court requesting that the Court determine whether  
8 the Protective Order covers the document in dispute. Regardless of which party files the  
9 motion, the party seeking to protect a document from disclosure bears the burden of  
10 establishing good cause for why the document should not be disclosed. A party who disagrees  
11 with another party's designation must nevertheless abide by that designation until the matter  
12 is resolved by agreement of the parties or by order of the Court.

13           12. The inadvertent failure to designate a document, testimony, or other material as  
14 "Confidential" or "Attorneys' Eyes Only" prior to disclosure shall not operate as a waiver of the  
15 party's right to later designate the document, testimony, or other material as "Confidential" or  
16 "Attorneys' Eyes Only." The receiving party or its counsel shall not disclose such documents or  
17 materials if that party or counsel knows or reasonably should know that a claim of  
18 confidentiality would be made by the producing party. Promptly after receiving notice from the  
19 producing party of a claim of confidentiality, the receiving party or its counsel shall inform the  
20 producing party of all pertinent facts relating to the prior disclosure of the newly-designated  
21 documents or materials, and shall make reasonable efforts to retrieve such documents and  
22 materials and to prevent further disclosure.

23           13. Designation by either party of information or documents as "Confidential" or  
24 "Attorneys' Eyes Only," or failure to so designate, will not constitute an admission that  
25 information or documents are or are not confidential or trade secrets. Neither party may  
26 introduce into evidence in any proceeding between the parties, other than a motion to

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4821-9656-1199, v. 4

**SAALFELD GRIGGS,**  
LAWYERS

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1 determine whether the Protective Order covers the information or documents in dispute, the  
2 fact that the other party designated or failed to designate information or documents as  
3 "Confidential" or "Attorneys' Eyes Only."


4 14. Upon the request of the producing party or third party, within 30 days after the  
5 entry of a final judgment no longer subject to appeal on the merits of this case, or the execution  
6 of any agreement between the parties to resolve amicably and settle this case, the parties and  
7 any person authorized by this Protective Order to receive confidential information shall return  
8 to the producing party or third party, or destroy, all information and documents subject to this  
9 Protective Order. Returned materials shall be delivered in sealed envelopes marked  
10 "Confidential" to respective counsel. The party requesting the return of materials shall pay the  
11 reasonable costs of responding to its request. Notwithstanding the foregoing, counsel for a  
12 party may retain archival copies of confidential documents.

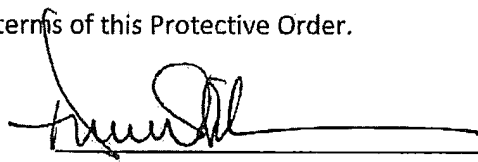
13 15. This Protective Order shall not constitute a waiver of any party's or non- party's  
14 right to oppose any discovery request or object to the admissibility of any document, testimony  
15 or other information.

16 16. Nothing in this Protective Order shall prejudice any party from seeking  
17 amendments to expand or restrict the rights of access to and use of confidential information, or  
18 other modifications, subject to order by the Court.

19 17. The restrictions on disclosure and use of confidential information shall survive  
20 the conclusion of this action and this Court shall retain jurisdiction of this action after its  
21 conclusion for the purpose of enforcing the terms of this Protective Order.

22 It is so stipulated:

23   
24 Rick Klingbeil, OSB #933326  
25 Email: rick@klingbeil-law.com  
26 Fax: (503) 427-9001  
Of Attorneys for Plaintiffs

  
HUNTER B. EMERICK, OSB #841361  
Email: hmerick@sglaw.com  
Fax: (503) 371-2927  
Of Attorneys for Defendants

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4821-9656-1199; V. 4

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LAWYERS  
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1       The Court has reviewed the reasons offered in support of entry of this Stipulated  
2 Protective Order and finds that there is good cause to protect the confidential nature of certain  
3 information. Accordingly, the Court adopts the above Stipulated Protective Order in this action.

4       **IT IS SO ORDERED.**  
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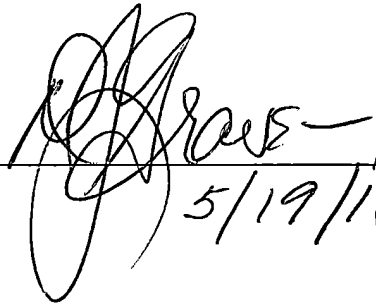
  
5/19/16

EXHIBIT A

I, \_\_\_\_\_, have been advised by counsel of record for

\_\_\_\_\_ in \_\_\_\_\_  
of the protective order governing the delivery, publication, and disclosure of confidential  
documents and information produced in this litigation. I have read a copy of the protective  
order and agree to abide by its terms.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

**CERTIFICATE OF READINESS**

I hereby certify, pursuant to UTCR 5.100 as of the 13<sup>th</sup> day of May, 2016, that:

All service requirements for service of the proposed Order or Judgment were satisfied because:

☒ The enclosed Order or Judgment is stipulated to and no objection exists to the Judgment or Order;

The proposed Order is ready for judicial signature because:

☒ Each opposing party affected by this Order or Judgment has stipulated to the Order or Judgment, as shown by each opposing party's signature on the document being submitted.

**SAALFELD GRIGGS PC**

By

s/ Hunter B. Emerick

Hunter B. Emerick, OSB No. 841361

Email: [hemerick@sglaw.com](mailto:hemerick@sglaw.com)

Trial Attorney

Phone: (503) 399-1070

Facsimile: (503) 371-2927

Of Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of May, 2016, I served **REVISED STIPULATED PROTECTIVE ORDER** on:

Rick Klingbeil  
Rick Klingbeil PC  
2222 NE Oregon St., Suite 213  
Portland, OR 97232

Brooks F. Cooper  
Draneas & Huglin, P.C.  
4949 Meadows Road, Suite 400  
Lake Oswego, OR 97035

Brady Mertz  
Brady Mertz PC  
345 Lincoln Street SE  
Salem, OR 97302

☒ by **mailing** a true and correct copy to the last known address of each person listed. It was contained in a sealed envelope, with postage paid, addressed as stated above, and deposited with the US Postal Service in Salem, Oregon.

☒ by **emailing** a true and correct copy to the last known email address of each person listed, with confirmation of delivery.

**SAALFELD GRIGGS PC**

By

s/ Hunter B. Emerick  
HUNTER B. EMERICK, OSB NO. 841361  
Email: [hemerick@sglaw.com](mailto:hemerick@sglaw.com)  
Phone: (503) 399-1070  
Facsimile: (503) 371-2927  
Of Attorneys for Defendants

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8 UNITED STATES BANKRUPTCY COURT  
9  
10 DISTRICT OF OREGON

11 IN RE:

12 WILLIAM JOHN BERMAN  
13 Debtor.

Case No. 19-60138-pcm11  
LEAD CASE

Jointly Administered with  
Case No. 19-60230-pcm11

14  
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16 IN RE:

17 WILLIAM JOHN BERMAN  
18 Debtor.

ORDER GRANTING MOTION OF  
CLAIMANTS FOR AN ORDER  
DIRECTING CERTAIN EXHIBITS TO  
REMAIN UNDER SEAL

19 This matter having come before the Court and the Court having reviewed the matter  
20 on the motion;

21 IT IS HEREBY ORDERED that the Motion of Claimants for an Order Directing  
22 Certain Exhibits to Remain Under Seal is GRANTED.  
23

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25 ###

26 Submitted by: /s/ Keith D. Karnes  
27 Keith D. Karnes OSB # 033521  
28 Attorney for plaintiffs

1 – ORDER GRANTING MOTION OF CLAIMANTS FOR AN ORDER DIRECTING  
CERTAIN EXHIBITS TO REMAIN UNDER SEAL